

Chapter Nineteen

CATEGORICAL EXCLUSIONS

BUREAU OF LOCAL ROADS AND STREETS MANUAL

Chapter Nineteen
CATEGORICAL EXCLUSIONS - Federal Funds**Table of Contents**

<u>Section</u>	<u>Page</u>
19-1 GENERAL	19-1(1)
19-1.01 Definition.....	19-1(1)
19-1.02 Applicable Federal Actions	19-1(1)
19-1.03 Evaluation for Unusual Circumstances.....	19-1(3)
19-1.04 CE Procedures	19-1(4)
19-1.04(a) CE "Groups"	19-1(4)
19-1.04(b) Group I Actions	19-1(4)
19-1.04(c) Group II Actions	19-1(6)
19-2 ENVIRONMENTAL CLASS OF ACTION DETERMINATION (ECAD)	19-2(1)
19-2.01 Background	19-2(1)
19-2.02 Eligible Projects	19-2(1)
19-2.03 Documentation	19-2(2)
19-2.04 Procedures	19-2(2)
19-3 THE CE PROCESS	19-3(1)
19-4 ENVIRONMENTAL DOCUMENTATION FOR CATEGORICAL EXCLUSIONS	19-4(1)
19-4.01 General.....	19-4(1)
19-4.02 Content.....	19-4(1)
19-4.03 Processing.....	19-4(2)
19-5 REFERENCES.....	19-5(1)

Chapter Nineteen

CATEGORICAL EXCLUSIONS - Federal Funds

19-1 GENERAL

Chapter 19 discusses local agency projects that may be classified as Categorical Exclusions (CE), including projects that may be processed under the Department's Environmental Class of Action Determination (ECAD) procedures. Figure 19-1A documents the decision making process to determine if a project meets the definition of a CE.

19-1.01 Definition

The *CEQ Regulations* provide the following definition for Categorical Exclusions (CE):

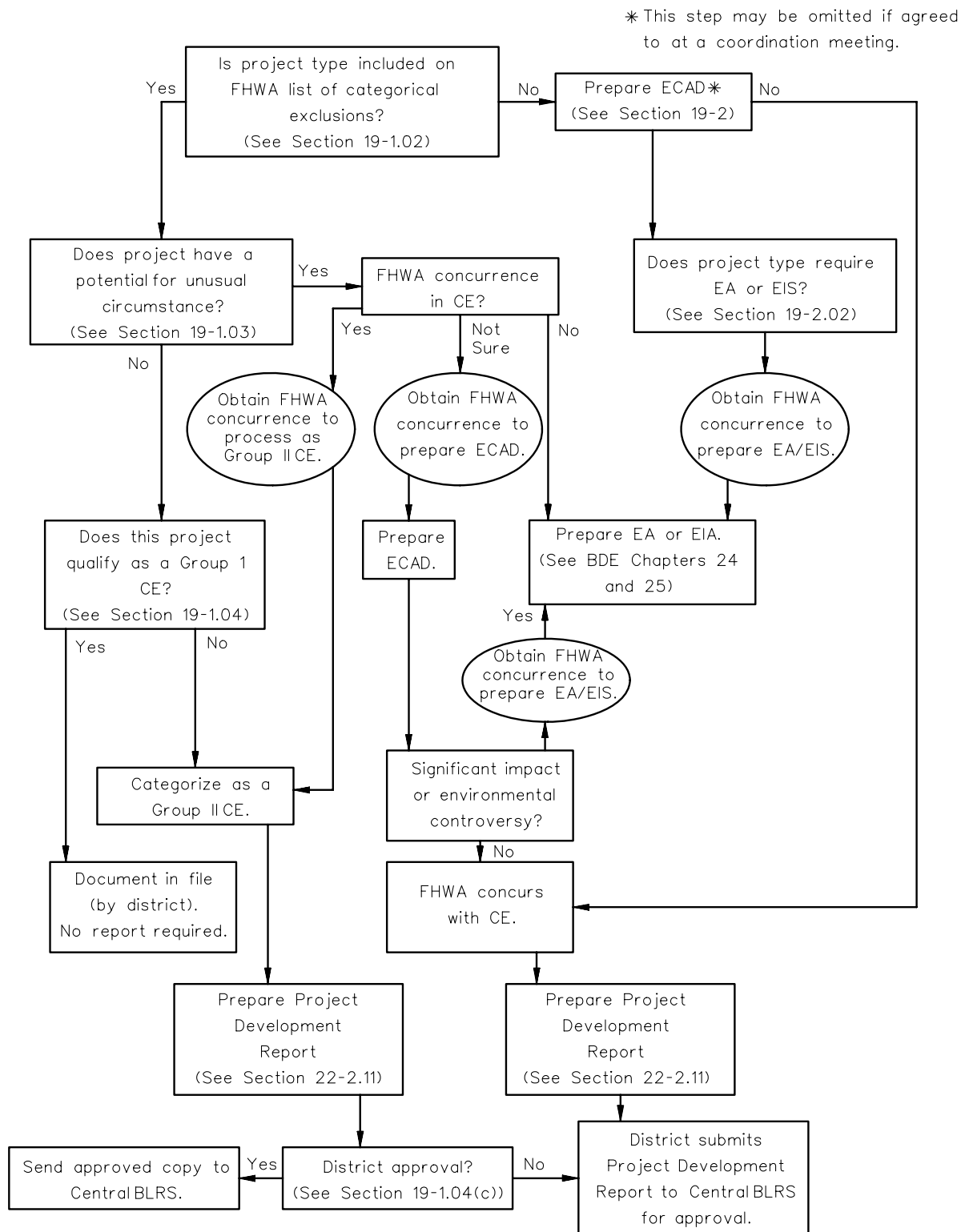
Categorical Exclusion means a category of actions which do not individually or cumulatively have a significant effect on the human environment ... for which, therefore, neither an environmental assessment nor an environmental impact statement is required.

For Federal-aid highway projects, the FHWA has designated CEs as Class II actions in 23 CFR 771.115(b).

19-1.02 Applicable Federal Actions

The following types of actions normally qualify as CEs:

- construction of bicycle and pedestrian lanes, paths, and facilities;
- landscaping;
- acquisition of scenic easements;
- modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing);
- highway safety or traffic operations improvement projects;
- bridge rehabilitation, reconstruction, or replacement; or
- the construction of a grade separation to replace existing at-grade railroad crossings.



PROCESSING CE PROJECTS

Figure 19-1A

Federal actions approved as Categorical Exclusions do not require further compliance with the *National Environmental Policy Act* (NEPA) process. However, these actions may require compliance with other Federal environmental controls (e.g., Section 4(f), *Endangered Species Act*, Executive Order 11990 - Wetlands, Executive Order 11988 - Flood Plains, *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA)). See Chapter 20 for further information on special environmental studies.

19-1.03 Evaluation for Unusual Circumstances

Each project proposed as a Categorical Exclusion must be evaluated for environmental factors that may involve unusual circumstances requiring special studies or reports to determine if the CE classification is proper. In evaluating proposed Categorical Exclusion projects for unusual circumstances (e.g., significant environmental impacts, controversy on environmental grounds), all aspects of the project must be considered, including any detours and runarounds that the action will involve. For projects processed through the environmental survey processes, the survey results will identify wetlands, biological resources, and cultural resources that may require special consideration and coordination. These and other environmental issues (e.g., farmland impacts, Section 404 permit requirements, noise) must be identified and appropriately considered in the evaluation of unusual circumstances.

An action has potential for unusual circumstances if it will:

- involve in-stream work requiring non-routine mitigation measures. Routine mitigation measures are those required by the *IDOT Standard Specifications* (e.g., for erosion control, to prevent pollution of streams with harmful materials) and the “standard treatment” for haul roads (i.e., clean aggregate material with a suitable culvert for normal flows);
- require an individual Section 404 permit from the US Army Corps of Engineers;
- require additional right-of-way (including temporary or permanent grading easements) that involves the relocation of residences or businesses or exceeds one or more of the following:
 - 10 acres (4 hectares) of prime farmland;
 - 3 acres per mile (0.75 hectare of land per kilometer) of roadway or 10 acres (4 hectares) total for a non-linear (spot) improvement (e.g., bridge, intersection); and/or
 - land takings from 10 or more property owners;
- require substantial changes in access control;
- substantially increase 100 year flood water surface elevations;
- involve impacts on wetlands (including temporary);
- require preparation of a biological assessment for threatened or endangered species or adverse impacts to a natural area;

BUREAU OF LOCAL ROADS & STREETS
CATEGORICAL EXCLUSIONS - Federal Funds

19-1(4)

Jan 2006

- affect the characteristics that would qualify a historic or archaeological resource for inclusion on the National Register of Historic Places;
- take land (permanent or temporary use) from a Section 4(f) resource; and/or
- be controversial on environmental grounds or inconsistent with Federal, State, or local laws relating to the environment.

19-1.04 CE Procedures

19-1.04(a) CE “Groups”

Local projects that normally qualify to be processed as a Categorical Exclusion are divided into the following two groups:

1. Group I. Group I projects do not require a Project Development Report; see Section 19-1.04(b).
2. Group II. Group II projects require a Project Development Report; see Section 19-1.04(c).

Figure 19-1A summarizes Categorical Exclusions requirements.

19-1.04(b) Group I Actions

These actions will be considered as Group I Categorical Exclusions if they do not require any additional right-of-way and will not involve any of the factors listed in Section 19-1.03 as indicators of potential for unusual circumstances and, therefore, have prior concurrence as Categorical Exclusions. These projects do not require a Project Development Report; therefore, no special documentation of this concurrence is required. It is the responsibility of the district to determine the extent of the information necessary to make the determination that there is no potential for unusual circumstances. Appropriate project documentation supporting the Group I determination (e.g., engineering analyses, cost data) should be retained in the district files.

Examples of actions that would typically qualify as Group I Actions include the following:

- traffic signal modifications and installation of new signals;
- Local Agency Pavement Preservation (LAPP) projects;
- pavement resurfacing or milling and resurfacing (from face-of-curb to face-of-curb only for urban and the travel lanes only for rural);
- signing;
- pavement markings not affecting the number of through traffic lanes;
- anti-skid treatments;

BUREAU OF LOCAL ROADS & STREETS
CATEGORICAL EXCLUSIONS - Federal Funds

Jan 2006

19-1(5)

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- construction of sidewalks and/or ADA accessibility ramps;
 - curb and/or gutter repairs;
 - bridge rehabilitation activities except bridge deck widening or replacement and substructure work within a stream;
 - lighting and electrical work;
 - bicycle racks/lockers;
 - landscaping;
 - erosion control work including slope repair and reconstruction;
 - storm sewer installations to eliminate open ditches that do not reduce necessary urban runoff storage/retention;
 - impact attenuator and glare screen installations;
 - highway/railroad grade crossing improvements including:
 - repair/rehabilitation of crossing proper, and
 - upgrading of crossing protection;
 - the following restoration-type projects:
 - retaining wall restoration,
 - fencing,
 - guardrail replacement and upgrading,
 - substantial pavement and shoulder patching/sealing, and
 - restoration of drainage structures;
 - junkyard screening;
 - upgrading safety features;
 - approval of utility installations along or across a transportation facility;
 - activities included in the highway safety plan developed pursuant to 23 USC 402;
 - transfer of Federal lands pursuant to 23 USC 317 when the subsequent action is not an FHWA action;
 - alterations to existing publicly owned buildings to provide for noise reduction and/or installation of noise abatement barriers;
 - emergency repairs under 23 USC 125 that do not substantially change the design of the facility, and which are initiated during or immediately after the occurrence of a declared national disaster;
 - ridesharing activities; and
 - bus and van purchasing.

19-1.04(c) Group II Actions

The remainder of the CE-type projects is considered Group II projects that require the preparation of a Project Development Report. The Central BLRS has given approval responsibility for categorical exclusion approval for the following types of Group II Categorical Exclusion projects to the districts:

- projects that would normally be processed as Group I Categorical Exclusions but have a potential for unusual circumstances (the district must schedule the coordination meeting with FHWA);
- rural widening and/or resurfacing projects that do not require additional right-of-way;
- urban resurfacing projects;
- bicycle and pedestrian paths with no potential for unusual circumstances;
- historic preservation projects except historic bridges;
- landscaping and scenic beautification projects outside existing highway right-of-way; and
- Highway Safety Construction Program projects (e.g., rail-highway crossing projects).

Other types of Group II projects that normally meet the definition of a Categorical Exclusion will be approved by the Central BLRS. A Project Development Report will be prepared for these projects.

For Group II actions, the district and Central BLRS must determine if any Group II CE project has a potential for unusual circumstances. The projects require the concurrence of the FHWA to process the project as a CE before the district or Central BLRS can concur in the CE determination. Verbal or email concurrence from the FHWA ordinarily will be sufficient. This concurrence may be obtained at regularly scheduled district coordination meetings; see Section 18-5. Minutes of the meeting or a memorandum to the file, as appropriate, shall document the discussions and concurrence.

Sufficient information must be available to permit the FHWA/Central BLRS to make an informed decision on the significance of any environmental effects involved. For projects that require the processing of an Environmental Survey Request, verbal or e-mail approval may be requested only after the district has obtained the results of the Integrated Environmental Survey Process (for biological resources (e.g., threatened and endangered species, wetlands) and cultural resources (e.g., archaeological, historic)). For projects that involve a site included on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), verbal or e-mail approval may be requested only after the local agency has determined how the involvement with the CERCLIS site will affect the project. Occasionally, the FHWA may request an environmental study of a particular issue area (e.g., wetlands study) prior to giving verbal or e-mail approval. When verbal approval is obtained from the FHWA, it must be documented in the coordination meeting minutes or a memorandum to the file. The FHWA will be provided with a copy of these minutes.

BUREAU OF LOCAL ROADS & STREETS
CATEGORICAL EXCLUSIONS - Federal Funds

Jan 2006

19-1(7)

Include documentation of the Categorical Exclusion approval (e-mail, coordination meeting minutes, or memorandum to file) in the Project Development Report.

19-2 ENVIRONMENTAL CLASS OF ACTION DETERMINATION (ECAD)

19-2.01 Background

IDOT's ECAD procedures have been developed as a result of the continuous evaluation of IDOT's implementation of environmental regulations. The ECAD procedures are intended to:

- maximize the use of the flexibility within the FHWA environmental regulations to identify actions eligible for CE processing; and
- ensure that the basis for the CE determination has been thoroughly evaluated and systematically documented to fully support the determination.

The ECAD procedures do not reduce the depth of environmental or engineering studies necessary to advance a project; all decisions must be supported by applicable studies and analyses. These procedures affect how the results of the studies and analyses are documented and, ultimately, the type of environmental processing that will be used to fulfill NEPA requirements.

19-2.02 Eligible Projects

The project types eligible for the ECAD procedures are those that have the potential to be processed as CEs but that may have been processed as EAs before the development of the ECAD procedures. Potential ECAD actions include project types other than the following:

1. Type 1. Those project types specified in the FHWA environmental regulations (23 CFR 771.115(a)) as actions that normally require an Environmental Impact Statement (Class I). Examples include new access control freeways and highway projects of four or more lanes on new location.
2. Type 2. Those project types specifically listed in 23 CFR 771.117 and Section 19-1 as Categorical Exclusions.
3. Type 3. Those project types that the Illinois Division Office of FHWA has determined will normally require an Environmental Assessment (Class III, 23 CFR 771.115(c)). Examples include new interchanges, bypasses, and projects involving organized opposition or substantial controversy on environmental grounds.

The above listed project types include widening existing roadways to include additional through lanes and two-lane highways on new location.

The ECAD procedures lead to the decision on whether an eligible project should be processed as a CE or with an EA or EIS, and they provide a structure for evaluating and documenting the basis for that decision.

19-2.03 Documentation

Two forms have been developed for use in implementing the ECAD procedures — the Class of Action Determination Record (Form BDE-2314) and the Class of Action Determination Document (Form BDE-2313). The actual forms are electronic documents that are available on IDOT's website. BDE will revise the electronic forms from time to time as changes occur in the ECAD procedures and guidance. Local agencies should use the versions of the electronic forms that are consistent with the most recent procedures and guidance.

19-2.04 Procedures

To implement the ECAD procedures, follow these steps:

- Step 1. Determine Eligibility of Project Category. Early in project planning, the local agency and the district should compare the proposed project type to the categories in 1, 2, and 3 in Section 19-2.02. If the proposed project is of a type not covered by these categories, it is potentially eligible for processing as an ECAD action.
- Step 2. Conduct Environmental Field Review. For potentially eligible ECAD actions, the local agency must conduct an on-site field review of the project area to identify environmental factors that may be involved in the project. This field review is mandatory before an action may proceed under the ECAD procedures. The field review must have been conducted no more than one year before concurrence is requested on the eligibility of the project as an ECAD action. The review must be sufficient to identify whether there are obvious resource involvements that could result in a significant impact or that will raise potential impact concerns sufficient to warrant preparation of an EA. To ensure that key environmental issues are considered, the Class of Action Determination Record (discussed in Step 4) should be used for documenting the results of the field review.
- Step 3. Present Recommendation on Type of Environmental Processing. After conducting the required environmental field review, the local agency and the district may present their recommendation at a regularly scheduled project coordination meeting on whether to proceed as a regular Group II Categorical Exclusion (i.e., if the project will involve few environmental issues), under the ECAD procedures, or with an EIS or EA for the project. The local agency and the district should explain the basis for the recommendation. If the field review indicates the project involves a number of environmental issues but does not involve obvious or likely significant environmental impacts, the local agency and the district may present the project for concurrence to proceed under the ECAD procedures. The presentation of the project for concurrence should address the following items:
 - when and by whom the environmental field review was conducted;

- what, if any, documentation resources were consulted in conjunction with the field review; and
- what, briefly, were the findings of potential involvement for each environmental issue listed in the Class of Action Determination Record and the basis for the determination.

The decision of the FHWA and Central BLRS on whether or not the project should proceed under the ECAD procedures should be documented in the minutes of the coordination meeting. After a project is presented and approved for processing under the ECAD procedures, it must be completed as an ECAD project unless impacts or issues are identified that warrant preparation of an EA or EIS.

Step 4. Prepare Class of Action Determination Record. Environmental resources in the project area should be identified on an environmental inventory map and referenced in the Class of Action Determination Record. The ECAD Record should be used to summarize key findings and decisions on the presence or absence of adverse impacts on particular environmental resources and the nature of these impacts. The ECAD Record also should briefly summarize the basis for the findings and conclusions. The local agency does not need to include all the intermediate coordination steps that lead to the findings and conclusions; enter only the key results that provide closure on an issue (i.e., how it was determined an issue is or is not potentially involved and, if it is involved, what the effect will be). Key conclusions also include final results of any required coordination for compliance with other applicable laws, regulations, and agreements (e.g., the results of coordination for compliance with the State *Endangered Species Act* and historic preservation requirements).

As preparation of the ECAD Record proceeds, typographical errors or other minor mistakes discovered in previous entries should be corrected. The incorrect information that was deleted should be shown in the Record with a strikethrough and the corrected information should be underlined. If information in previous entries changes as a result of ongoing project development activities, the changes should be reflected in new entries that will supplement, rather than replace, the previous entries.

Documentation in the Class of Action Determination Record should continue until all environmental resources/issues have been sufficiently evaluated to allow determination of the action's CE status or until an impact is identified that dictates preparation of an EA or EIS. If impacts or concerns (e.g., controversy on environmental grounds) are identified which are determined to warrant the preparation of an EA or EIS, document that decision in the project files and the preparation of the Class of Action Determination Record should be terminated.

The ECAD Record may be used to present environmental information for the project at public involvement activities (see Chapter 21) provided the version of the Record to be used has been reviewed by the FHWA and Central BLRS, and any comments from

that review have been satisfied. Because the results of public involvement activities could affect the ultimate decision on the classification of an ECAD project as a Categorical Exclusion project (e.g., because of substantial controversy on environmental grounds), the final decision on the CE classification should not occur until after completion of the planning-phase of public involvement activities. In presenting an ECAD project at a public involvement activity, the local agency should indicate the anticipated environmental processing for the action (e.g., Categorical Exclusion) based on the results of environmental investigations for the project.

Instructions are provided in the following paragraphs to enter information in the Class of Action Determination Record:

Date of Field Review

Enter the most recent date of field evaluation of environmental factors. This date must be within one year prior to the initial presentation at a district coordination meeting.

Date of Initial Presentation

Enter the date on which the Record was first presented at a district coordination meeting.

Date of Latest Revision

This date will change each time the Record is updated with new information.

Potential Involvement

Enter in the "yes" or "no" columns the date on which the determination was made concerning potential involvement for each environmental resource/issue category listed. The columns should be left blank until sufficient information is obtained to make the determination of potential involvement. Each item in this column must be completed before the project is first presented at a district coordination meeting.

Analyses and Results

This column should be used to briefly explain, in plain language (i.e., avoid the use of jargon and technical terms as much as possible), entries in the "potential involvement" and "impacts present" columns. This column also should be used for entering dates and a concise summary of results that are pertinent to evaluating the environmental impacts of the proposed action. These items include the following:

- results of environmental surveys and studies of specific issues;
- final coordination contacts with resource agencies that provide closure on environmental issues; and
- results of environmental impact/mitigation analyses, including discussion of secondary and cumulative impacts, as applicable.

The initials of the author should be entered after each entry.

See Chapter 23 of the *BDE Manual* for more information on the nature of the environmental analyses and appropriate entries in this column for particular resources/issues.

Impacts Present:

Enter in the “yes” or “no” column the date on which it was determined whether the project will have an adverse impact for each of the environmental factors that had a “yes” in the “potential involvement” column. If the “potential involvement” column is marked with a “no,” the “Impacts Present” column for that issue should be left blank unless an involvement and impact are subsequently identified.

Status

Enter a “C” (for “completed”) in this column when sufficient analyses and results have been accomplished to allow a determination of the impact. Otherwise, leave the column blank.

Step 5. Present Results at District Coordination Meetings. As the local agency completes studies and analyses regarding the project’s environmental impacts and achieves closure on environmental issues, these results should be discussed with the FHWA and Central BLRS representatives at regularly scheduled district coordination meetings; see Section 18-5. At the local agency’s and the district’s discretion, these results may be discussed as each study is completed or they may wait and consolidate the discussion of several studies.

Step 6. Document Environmental Class of Action Determination. After all environmental resources/issues identified as being potentially involved are evaluated, the impacts are determined, and closure is attained for the issues involved (including consideration of the results of public involvement activities), the local agency or district is ready to request approval from the FHWA and Central BLRS representatives that the action may be classified as a CE. When a public hearing or informational meeting is required (see Chapter 21), it should be held before requesting CE concurrence in order that the results of the hearing can be considered in determining if the CE classification is appropriate. The Class of Action Determination Document should be used for the following activities:

- recording the project purpose and need;
- the project alternatives;
- the environmental consequences of the action;
- environmental commitments;
- the public involvement activities for the project; and

- the concurrence of the district, FHWA, and Central BLRS.

The local agency should complete the ECAD Document and the district should sign it before requesting concurrence from the FHWA and Central BLRS representatives. The districts should provide the FHWA and Central BLRS copies of the Class of Action Determination Document prior to the meeting at which the Document will be presented for signature. The copies should be provided as far in advance of the meeting as practical and not less than two weeks prior to the meeting date. The “Environmental Consequences” section of the Document will indicate those issue areas in the ECAD Record that were marked as a “Yes” in the impacts present column. This section will direct the reader to the parts of the ECAD Record that describe the project’s impacts and mitigation measures. The ECAD document “Conclusion” paragraph and the information on impacts and mitigation measures provides the basis for the FHWA’s determination that the action meets the Categorical Exclusion definition in 23 CFR 771/117(a).

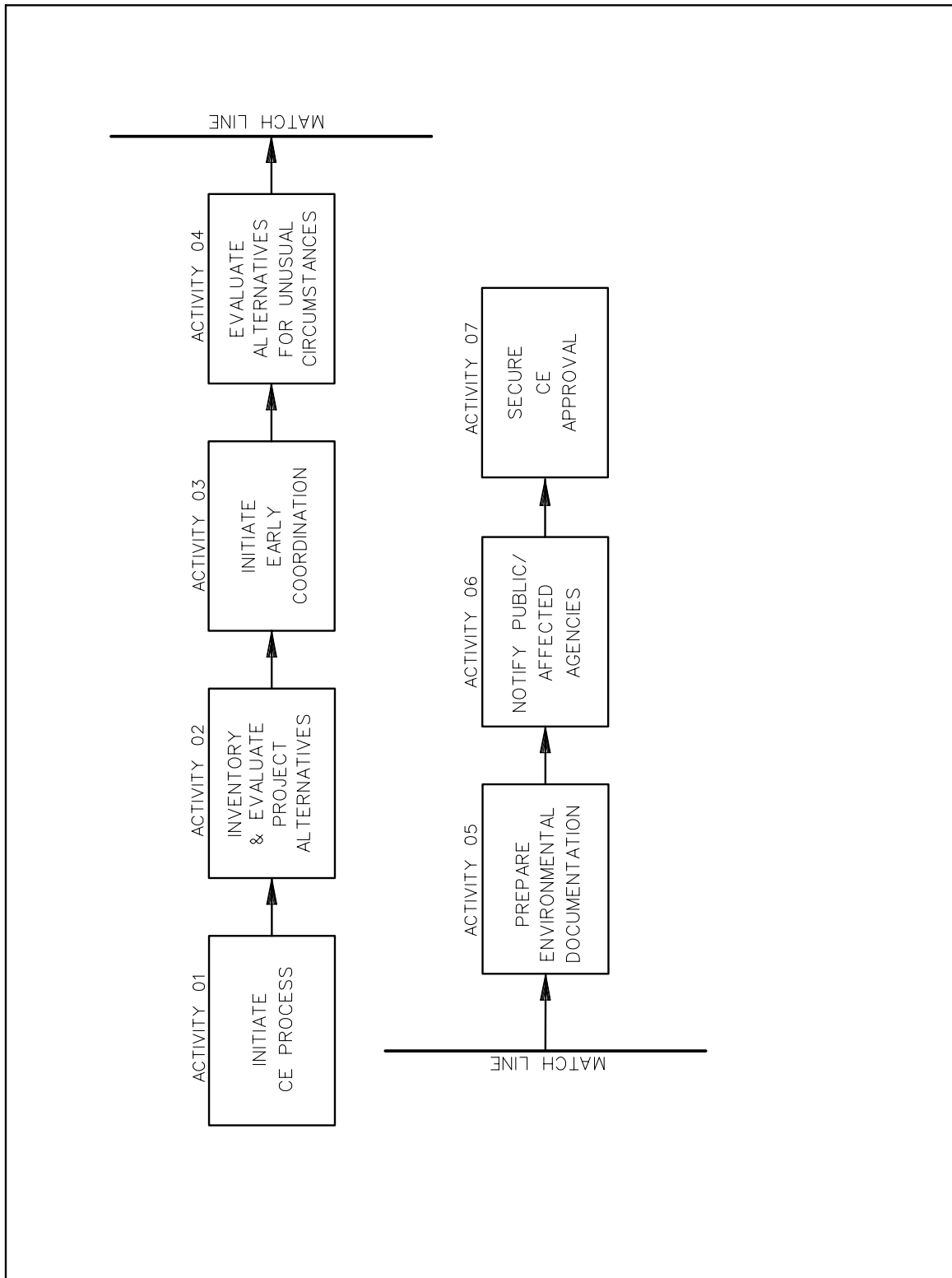
The signed Class of Action Determination Document and the associated Class of Action Determination Record should be included with the Project Development Report for the action and referenced, as appropriate, to provide the environmental discussions for the project.

See Chapter 22 of the *BDE Manual* for additional guidance of the ECAD process.

19-3 THE CE PROCESS

Figure 19-3A presents a flowchart that graphically illustrates the general process for a Categorical Exclusion action. This is followed by a brief description of each activity. The user of Figure 19-3A should consider the following:

1. Lines of Communication. The rigid application of the flowchart would lead to predetermined, precise points at which communication occurs between responsible parties. This is neither realistic nor desirable. Communication between parties must be continuous.
2. Lead Agency. Figure 19-3A assumes that the FHWA is the lead agency for FHWA-funded projects. If another Federal agency is the lead agency, other procedures may be required.
3. Application. Figure 19-3A applies to all CE projects involving local agency projects.



PROCESS FOR CATEGORICAL EXCLUSION (CE)
(FHWA Lead Agency)

Figure 19-3A

Categorical Exclusion Process

Activity Title: Initiate CE Process

Activity No.: 01

Responsible Unit: Local Agency/District

Activity Description:

For actions that will ultimately be processed with a CE, this is often known at the time of project initiation. This process (Figure 19-3A) assumes that it is known at the time of project initiation that a CE will be required.

The local agency and the district will initiate the CE by discussing the project at a district coordination meeting. The district may also make an initial request on whether or not the project will be processed as an ECAD. If yes, the coordination meeting should include obtaining FHWA concurrence on this decision. The local agency and the district will also assemble project information that may include:

- planning reports or studies,
- record plans (as-builts),
- letters/correspondence on the project,
- traffic data,
- documentation on any public or private meetings,
- original surveys,
- aerial photos,
- statistical data documenting need for improvement,
- scoping data providing recommended improvement,
- appropriate information from engineering databases,
- existing right-of-way, and
- results of the preliminary field check of project location.

References:

- 40 CFR 1501.2 *Early Application of NEPA*
- 23 CFR 771.115(b) *Definition of Class II (CE) Action*
- Section 22-3.06 of the BDE Manual, *Proposed Action*
- Section 19-1 *General*
- Section 19-2 *Environmental Class of Action Determination (ECAD)*

Categorical Exclusion Process

Activity Title: Inventory and Evaluate Project Alternatives

Activity No.: 02

Responsible Unit: Local Agency/District/Central BLRS/BDE/FHWA

Activity Description:

Based on the general project design concept, the local agency with technical assistance from the district, Central BLRS, BDE, and FHWA will inventory the affected environment and evaluate the project alternatives as practical at this stage of project development. The evaluation of preliminary alternatives should be sensitive to those environmental resources for which analysis of alternatives for avoidance and minimization of adverse impacts is required (e.g., wetlands, flood plains, Section 4(f) properties/historic sites, threatened and endangered species). In addition, local agencies should recognize that avoidance of environmental resources requiring special compliance procedures for impacts should be the preferred course of action. Avoidance of such resources will help to shorten project development time by avoiding the reporting and coordination necessary for compliance. The compilation of these inventories should be pursued only as necessary to provide high-quality information on the environmental impacts of the proposed action and to promote decision-making. Discussion of the proposed project with resource agencies at a district coordination meeting may be helpful in determining the optimum level of effort for the inventorying activity.

The local agency should identify the full range of the environmental inventory by evaluating environmental databases, discussing the project at a district coordination meeting, and submitting an environmental survey request, as appropriate, to the Central BLRS. Resources involved may include:

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • Section 4(f) and/or 6(f) properties; • archaeological and historical properties; • flood plains; • sensitive noise receptors; • prime farmland; • wetlands; • threatened or endangered species habitat, nature preserves, and natural areas; • wild and scenic rivers and Class I streams; | <ul style="list-style-type: none"> • status of air quality attainment; • water quality of streams and lakes; • special waste; • social/economic characteristics of the population; • visual quality factors; • well-head protection areas; • groundwater recharge areas; and • other biological resources (biodiversity, riparian habitat, etc.). |
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After the inventory has been prepared, the local agency should perform a preliminary evaluation of the magnitude and importance of the potential environmental impacts precipitated by the proposed action. This will assist in initiating the early coordination process (Activity 03).

References:

- 40 CFR 1500.1(b) *Environmental Information for Decision-Making*
- 23 CFR 771.111 *Early Coordination and Public Involvement*
- Background Section of FHWA Technical Advisory T6640.8A *Consideration of Unusual Circumstances*
- Section 20-2 *Environmental Surveys*

Categorical Exclusion Process

Activity Title: Initiate Early Coordination

Activity No.: 03

Responsible Unit: Local Agency/BDE

Activity Description:

Coordination with governmental agencies and the public, as appropriate, is one of the most important aspects of the CE process. This coordination should begin as early as practical in project planning.

As necessary, the local agency and BDE will initiate early coordination with organizations and persons and appropriate local, State, and Federal agencies that have an interest in the project or have information or expertise concerning environmental issues that the project may involve. The purpose of this coordination will be to assist in the evaluation of alternatives and the social, economic, and environmental impacts of the proposed project and possible impact mitigation measures. One specific objective of this early coordination is to gather information from other entities that may assist in the effort to compile an inventory of the affected environment (Activity 02). This may be necessary to identify historic/archaeological sites (SHPO), natural resources (IDNR), land-use activities (local governments), etc.

If applicable, the local agency should begin developing the public involvement plan for the project at this stage; see Chapter 21.

References:

- 40 CFR 1500.1(b) *Environmental Information for Decision Making*
- 40 CFR 1500.2(d) *Public Involvement*
- 40 CFR 1500.5(b) *Interagency Cooperation*
- 40 CFR 1501.1(b) *Interagency Cooperation*
- 40 CFR 1501.6 *Cooperating Agencies*
- 23 CFR 771.111 *Early Coordination and Public Involvement*
- 23 CFR 771.119(b) *Early Coordination/Scoping*
- Question 9. of CEQ Q&A *Approvals from Other Agencies*
- Section 18-5 *Coordination*
- Chapter 21 *Public Involvement*

Categorical Exclusion Process

Activity Title: Evaluate Alternatives for Unusual Circumstances

Activity No.: 04

Responsible Unit: Local Agency/District/Central BLRS

Activity Description:

As a part of the CE process, the local agency, district, and Central BLRS must evaluate the project alternatives for any potential unusual circumstances. This will be according to 23 CFR 771.117(b). If significant impacts are likely, an EIS is required for a Federal action. If there is a question on whether or not unusual circumstances are involved, the local agency may need to perform additional studies and/or prepare an EA.

The local agency will initiate those studies necessary to determine the environmental impact of the proposed project alternatives. The depth of the studies will be as appropriate for the project consistent with its designation as a CE. The nature of the studies will include:

- coordination with affected local, State, and Federal agencies and the public; and
- an evaluation of the environmental impacts including:

<ul style="list-style-type: none"> + social/economic; + agricultural; + historical/archaeological; + air quality; + noise; + energy; + natural resources, threatened, and endangered species; 	<ul style="list-style-type: none"> + water quality/resources; + flood plains; + wetlands (see Chapter 10); + special waste; + Section 4(f)/6(f); and + other issues as applicable (e.g., Wild and Scenic Rivers, well-head protection, regulated ground-water recharge areas).
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References:

- 40 CFR 1502.24 *Methodology and Scientific Accuracy*
- 23 CFR 771.117(b) *Unusual Circumstances*
- 23 CFR 771.135 *Section 4(f) Evaluations*
- Paragraph I.B. of FHWA Technical Advisory T6640.8A *Consideration of Unusual Circumstances*
- Section 19-1.03 *Evaluation for Unusual Circumstances*
- Chapter 20 *Special Environmental Studies*

BUREAU OF LOCAL ROADS & STREETS
CATEGORICAL EXCLUSIONS - Federal Funds

Jan 2006

19-3(7)

Categorical Exclusion Process

Activity Title: Prepare Environmental Documentation

Activity No.: 05

Responsible Unit: Local Agency

Activity Description:

Once the local agency has completed its environmental evaluation of the project alternatives for unusual circumstances (Activity 04), the local agency will document its findings. The documentation will vary depending upon the CE processing type and whether or not a Project Development Report is required. CE processing types include the following:

1. Group I. See Section 19-1.04(b).
2. Group II. See Section 19-1.04(c).
3. ECAD. See Section 19-2.

Categorical Exclusion Process

Activity Title: Notify Public/Affected Agencies

Activity No.: 06

Responsible Unit: Local Agency/BDE

Activity Description:

In Activity 03, the local agency will have made a preliminary identification of those agencies that may have an interest in the project. For proposed CE projects, the local agency and BDE will coordinate with the public and appropriate agencies to verify the decision, if applicable, that the project includes no unusual circumstances (Activity 04). Typically, the following agencies will be contacted when resource issues of concern to these agencies are involved:

- FHWA or other joint lead agency;
- US Environmental Protection Agency;
- Illinois Environmental Protection Agency;
- US Army Corps of Engineers;
- US Fish and Wildlife Service;
- Illinois Department of Natural Resources;
- State Historic Preservation Officer (Illinois Historic Preservation Agency);
- Advisory Council on Historic Preservation;
- Illinois State Clearinghouse;
- Sub-State Clearinghouse(s), Metropolitan Planning Organization(s), or other appropriate local planning agency;
- Natural Resources Conservation Service;
- Illinois Department of Agriculture;
- governmental land management agencies whose properties are affected; and/or
- other governmental agencies which have special expertise, jurisdiction by law regarding a project issue, or otherwise have an interest in the project.

References:

- 23 CFR 771.111 *Early Coordination/Public Involvement*
- Section 18-5 *Coordination*
- Chapter 21 *Public Involvement*

Categorical Exclusion Process

Activity Title: Secure CE Approval

Activity No.: 07

Responsible Unit: District

Activity Description:

Group I projects do not require approval provided that the Regional Engineer determines that they do not involve any "potential for unusual circumstances." For Group II projects, the CE approval may be by the Regional Engineer or Central BLRS. See Section 19-1.04(c).

The FHWA must concur for those projects having a potential for unusual circumstances. CE approval will complete the environmental process for these projects. However, the project must also meet the procedural requirements of any specific environmental impacts identified in the environmental studies (Activity 04). These may include, for example, a separate Section 4(f) Statement, a Section 404 permit, NPDES permit, etc.

References:

- 23 CFR 771.113(a) *Timing of Administration Activities*
- 23 CFR 771.129(c) *Re-evaluations*
- Section 22-3.15 of the *BDE Manual, Ensuring Validity of Environmental and Design Documents*
- Section 19-1.04(b) *Group I Actions*
- Section 19-1.04(c) *Group II Actions*

19-4 ENVIRONMENTAL DOCUMENTATION FOR CATEGORICAL EXCLUSIONS

19-4.01 General

Project Development Reports are not required for Group I projects, but are required for Group II projects. Although an environmental document is not required for those actions eligible for Categorical Exclusions, the Project Development Report (when required) for these actions must include evidence of consideration of environmental factors, as discussed elsewhere in this Chapter. Circulation of a Project Development Report to outside agencies for comment normally is not required.

19-4.02 Content

Section 22-2.11 discusses the engineering information included in Project Development Report and the overall format and content of the Report. The following provides guidance for the environmental documentation appropriate for inclusion in Project Development Report for Categorical Exclusion projects:

1. CE Determination. For projects processed under the ECAD procedures, the signed ECAD Document and the associated ECAD Record(s) should be included in the Project Development Report and retained in the project file. Where the FHWA/Central BLRS request formal written submittal of an action for concurrence in its classification as a Categorical Exclusion, the Project Development Report will include information for the specific environmental issues requested by the FHWA/Central BLRS. The information must be sufficient to permit an evaluation of whether the environmental effects will involve unusual circumstances (see Section 19-1.03) requiring preparation of an EIS or EA for Federally funded/regulated actions.

In any other cases where actions are formally submitted for CE approval, a discussion will be provided in the Project Development Report concerning those factors involved with the action indicating potential for unusual circumstances. The information must be adequate to permit an assessment of whether the effects of the action warrant preparation of an EIS or EA for Federally-funded/regulated actions.

2. Environmental Surveys and Mitigation Commitments. The Project Development Report should summarize the results of any necessary environmental screening, surveys, and related coordination for biological resources, wetlands, cultural resources, and special wastes. If surveys are not required, the basis for this determination should be documented. The Report should include a statement that the CERCLIS list was reviewed and should indicate whether any sites on the list are located within the project limits. In addition, either a copy of the Special Waste Screening Form or the response to the Preliminary Environmental Site Assessment should be included. Any mitigation commitments resulting from the environmental survey and coordination process should be briefly discussed. Environmental mitigation measures (e.g., wetlands, tree

replacement, prairie replacement) to be implemented for the project should be described.

3. Special Reports. Where a special report(s) is prepared, the Project Development Report should contain a one-paragraph summary of the circumstances, findings, and processing status of each report along with a copy of any approval. These include reports for Section 4(f), wetlands, Section 106, special waste site investigations, etc.
4. Coordination. Section 18-5 and Section 19-3, the CE Process, discuss the coordination required for a CE action. This should be summarized in the Project Development Report. Specifically, where coordination with the Natural Resources Conservation Service and/or the Illinois Department of Agriculture is required, the Project Development Report should include a brief summary of the results of the coordination (e.g., a copy of Form AD-1006, when required, and/or a synopsis of comments received and the related responses).
5. Permits. The Project Development Report should indicate the permits (e.g., Section 404, Section 402, National Pollutant Discharge Elimination System (NPDES), Section 10, IDNR Office of Water Resources) required for the project.

19-4.03 Processing

For all CE projects requiring Project Development Reports, the districts must include appropriate environmental information to document the basis for determining that the project qualifies as a CE. The Central BLRS will review the Project Development Reports for CE projects for the following environmental information:

- the CE certification signed by the Regional Engineer for Group II projects approved by the district and documentation of CE approval from the FHWA, when required;
- information on the need for and results of environmental surveys;
- information indicating the environmental issues involved and why the project would not result in significant impacts on those issues (for ECAD projects, this would be the ECAD Record and ECAD Document);
- documentation of compliance with special waste procedures and other applicable requirements for specific environmental issues involved; and
- information on the need for and status of any environmental permits.

When Project Development Reports for Group II projects are submitted for design approval, the Central BLRS will advise the district of any problems or deficiencies with the environmental information and will provide recommendations, as appropriate, for correcting the problems or deficiencies.

19-5 REFERENCES

1. 40 CFR 1500-1508, *CEQ Regulations for Implementing NEPA*.
2. 23 CFR 771, *FHWA Environmental Impact and Related Procedures*.
3. FHWA Technical Advisory T6640.8A, *Guidance for Preparing and Processing Environmental and Section 4(f) Documents*.
4. Chapter 22, "Environmental Documentation," *BDE Manual*, IDOT.
5. Chapter 26, "Special Environmental Analyses," *BDE Manual*, IDOT.

